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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/089,830	08/12/2002	James C Sturm	7616/42/5	5608

7590 08/10/2004  
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EXAMINER

SANTIAGO, MARICELI

ART UNIT PAPER NUMBER

2879

DATE MAILED: 08/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/089,830

Applicant(s)

STURM ET AL.

Examiner

Mariceli Santiago

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 21-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 21-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 August 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

The Amendment, filed on May 20, 2004, has been entered and acknowledged by the Examiner.

Cancellation of claims 4-20 has been entered.

Claims 1-3 and 22-27 are pending in the instant application.

### ***Claim Objections***

Claims 2, 3 and 25 are objected to because of the following informalities:

The preamble of claims 2 and 3 recite "The light emitting device of claim 1," while claim 1 only refers to "A device".

In claim 25, line 2, the term "layer" should read --substrate--.

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-3, 21 and 23-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Lebby et al. (EP 0 777 276 A2).

Regarding claim 1, Lebby discloses a device comprising a first transparent substrate (18) having a first and second surface, an OLED (12) disposed on the first surface of the first transparent substrate, a second transparent substrate (33) having a first surface and a second

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surface, wherein the first surface of the second transparent substrate is attached to the second surface of the first transparent substrate (Column 10, lines 24-44).

Regarding claim 2, Lebby discloses a device wherein the non-planar form is spherical (64, Fig. 7).

Regarding claim 3, Lebby discloses a device wherein the second surface of the second transparent substrate is molded (Column 10, lines 27-30).

Regarding claim 21, Lebby discloses a device wherein the first substrate of the second transparent substrate is attached to the second surface of the first substrate with index matching gel (Column 12, lines 6-15).

Regarding claim 23, Lebby discloses a method of fabricating a device, comprising providing a first transparent substrate (18) having a first surface and a second surface, and having an OLED (12) disposed on the first surface of the first transparent substrate; providing a second transparent substrate (33) having a first surface and a second surface, wherein the second surface of the second transparent substrate is non-planar; attaching the second surface of the first transparent substrate to the first surface of the second transparent substrate (Column 10, lines 24-44).

Regarding claim 24, Lebby discloses a method wherein the second surface of the second transparent substrate includes spherical shapes (64, Fig. 7).

Regarding claim 25, Lebby discloses a method wherein the second surface of the second transparent substrate is molded (Column 10, lines 27-30).

Regarding claim 26, Lebby discloses a method wherein the first substrate of the second transparent substrate is attached to the second surface of the first substrate with index matching gel (Column 12, lines 6-15).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lebby et al. (EP 0 777 276 A2).

Regarding claims 22 and 27, Lebby discloses the second surface of the transparent substrate having a non-planar form by integrally molding lenses on the second surface of the second transparent substrate, instead of attaching individual lenses to the surface. It is noted that the use of separate elements for the substrate construction instead of the integral structure disclosed by Lebby would merely be an obvious matter of design engineering, furthermore, the particular claimed construction does not solve any of the stated problems or yield any unexpected results that are not within the scope of the teaching applied. Thus, it would have been obvious at the time the invention was made to a person having ordinary skills in the art to provide the lenses elements by attaching them to the surface of the second substrate, since the use of separate elements in the construction of the second substrate surface instead of the integrally molded structure disclosed by Lebby would be an obvious matter of design engineering.

***Response to Arguments***

Applicant's arguments with respect to claims 1-3 and 31-27 have been considered but are moot in view of the new ground(s) of rejection.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

#### ***Contact Information***

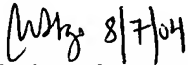
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mariceli Santiago whose telephone number is (571) 272-2464. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

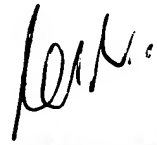
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel, can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about PAIR system,

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see <http://pair-direct.uspto.gov>. Should you have questions on access to Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Mariceli Santiago  
Patent Examiner  
Art Unit 2879

  
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